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March 3, 2022

VIA ECF

Honorable Michael A. Shipp, U.S.D.J.
Clarkson S. Fischer Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

RE: United States v. Eric Hafner
Criminal No. 19-790 (MAS)

Dear Sir:

As the court is aware, I represent Eric Hafner in reference to the above captioned matter. As the court is also aware, the court has scheduled a competency hearing for Tuesday, March 15, 2022 at 1 p.m. After reviewing the report of Heather Ross, Ph. D., I do not believe that is a realistic date and requesting an adjournment. Dr. Ross's report identifies a litany of records and test results that I have not seen and were utilized in her decision to find Mr. Hafner competent. I have written to the government to inquire whether they can produce Dr. Ross's entire file to include everything from FMC-Butner. If they are unable to do so, I will seek an Order from Your Honor to produce everything that Dr. Ross reviewed as well as any tests or notes that she was involved in. I am not a psychologist and not capable of evaluating Dr. Ross's work or her interpretation of the test results. I have separately requested funds for the purposes of retaining a psychologist to evaluate the Butner results and conclusions. That may necessitate a visit to Mr. Hafner in Hudson County.

As the Court will recall, Anna Lawler, Ph.D. evaluated Mr. Hafner and did not find him competent. While she reached that conclusion, it appears it was done in an abundance of caution as she recommended further evaluation at a federal medical facility where more time could be spent observing Mr. Hafner. That being said, having received the report from Heather Ross, I would be remiss as counsel for Mr. Hafner if I did not have Dr. Ross's

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evaluation and conclusions evaluated by a psychologist of defendant's choice.

In light of the above, I would request that the court adjourn Mr. Hafner's competency hearing. If the court were to grant this application, a new date would be dependant upon when we receive the materials from Butner and the review completed by defendant's psychologist.

I look forward to hearing from Your Honor with regard to this matter.

Respectfully,

/s/ Mark W. Catanzaro

Mark W Catanzaro

MWC/taw

cc: Ian D. Brater, Assistant U.S. Attorney (via ECF)
R. Joseph Gribko, Assistant U.S. Attorney (via ECF)
Mr. Eric Hafner